



29 APR 2008

Philips Intellectual Property & Standards
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In re Application of
RUFFINI et al.

Application No.: 10/597,522

PCT No.: PCT/IB2005/050189

Int. Filing Date: 17 January 2005

Priority Date: 29 January 2004

Atty. Docket No.: DE 040024

For: METHOD OF IMPROVING
COMMUNICATION BETWEEN
MOBILE NODES

DECISION

This application is before the Office Of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 17 January 2005, applicants filed international application PCT/IB2005/050189 which claimed a priority date of 29 January 2004 and which designated the United States. On 11 August 2005, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 July 2006.

On 28 June 2006, counsel for Philips Intellectual Property & Standards electronically filed a request to enter the national stage in the United States for international application PCT/IB2005/050189, which included, among other materials: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; a preliminary amendment; and an executed declaration. The filing was assigned U.S. application number 10/597,522 and has been appropriately treated as the U.S. national stage of international application PCT/IB2005/050189.

On 31 July 2006, counsel for Philips Electronics North America Corporation filed on behalf of applicants a Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form PTO-1390) requesting entry into the national stage in the United States for international application PCT/IB2005/050189. The submission included, among other materials, payment of the basic national fee. These papers were assigned U.S. application number 10/588,143.

DISCUSSION

As is evident from the above-recited facts, counsel has submitted two sets of papers to enter the national stage under 35 U.S.C. 371 for international application number PCT/IB2005/050189 (U.S. application numbers 10/597,522 and 10/588,143). The end result for an international application designating the United States is a single U.S. national stage application (see 35 U.S.C. 363). Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 10/597,522 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 10/597,522 is the application file that will continue to be processed as the national stage of PCT/IB2005/050189. The other set of national stage materials filed on 31 July 2006 and originally assigned U.S. application number 10/588,143 will be placed in the present application file, and U.S. application number 10/588,143 will be discontinued.

Applicant should use application number 10/597,522 in all future communications with the United States Patent and Trademark Office (PTO). Application number 10/588,143 will be discontinued.

CONCLUSION

Application no. 10/597,522 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to merge the papers filed in U.S. Application no. 10/588,143 into U.S. Application no. 10/597,522 and refund any filing fees paid in connection with the application number 10/588,143.

All future correspondence with respect to the U.S. national stage of PCT/IB2005/050189 will be directed solely to above-named attorneys.



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